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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/638,658	08/14/2000	Richard St. Clair Bailey	MS1-577US	9652

22801 7590 03/27/2007

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EXAMINER	
KE, PENG	
ART UNIT	PAPER NUMBER
2174	

SHORTENED STATUTORY PERIOD OF RESPONSE	NOTIFICATION DATE	DELIVERY MODE
2 MONTHS	03/27/2007	ELECTRONIC

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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 09/638,658
Filing Date: August 14, 2000
Appellant(s): BAILEY ET AL.

Richard St. Clair Bailey
&
Stephen R. Falcon
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 10/23/06 appealing from the Office action mailed 4/4/06.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(8) Evidence Relied Upon

5,808,601	Leah	9-1998
6,894,678	Rosenberg	5-2005
5,870,083	Shieh	2-1999

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-25, and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leah et al. (US 5,808,601) in view Rosenberg et al. (US 6,894,678)

As per claim 1, Leah et al. teaches (amended) a method comprising a graphical user interface:

determining an offset value between a selected object's position and an input position; and dynamically and gradually reducing the offset value by correctively adjusting the input position with respect to the object's position (fig 1, 2c, col. 6, lines 16-44).

However, Leah et al. fails to teach in proportion to a movement of the selected object.

Rosenberg teaches in proportion to a movement of the selected object. (column 40, lines 45-column 41, lines 39; Cursor is a selected object.)

It would have been obvious to an artisan at the time of the invention to include Rosenberg's teaching with method of Leah in order to reduce user's undesired experience of any hard, physical stops when the mouse reaches a physical limit.

As per claim 2, which is dependent on claim 1, Leah et al. and Rosenberg teach the method as recited in Claim 1. Leah further teaches wherein the object position includes a preferred contact area (fig 2c, item m; The examiner infers m to be the preferred contact area).

As per claim 3, which is dependent on claim 2, Leah et al. and Rosenberg teach the method as recited in Claim 2. Leah further teaches wherein the preferred contact area includes a definable point associated with an object, and the object can be selectively moved within the graphical user interface (fig. 4a, item std).

As per claim 4, which is dependent on claim 1, Leah et al. and Rosenberg teach the method as recited in Claim 1. Leah further teaches wherein the input position includes updated positioning information from a user input mechanism (col. 5, lines 17-68; It is inherent that the input position must be updated in order to figure out weather or not the object is within the boundary).

As per claim 5, which is dependent on claim 4, Leah et al. and Rosenberg teach the method as recited in Claim 4. Leah further teaches wherein dynamically and gradually reducing the offset value further includes implementing a corrective function that selectively and incrementally reduces the offset based on (fig. 1 item 8; col. 8, lines 23-39)

As per claim 6, which is dependent on claim 4, Leah et al. and Rosenberg teach the method as recited in Claim 4. Leah further teaches wherein implementing the corrective function that selectively and incrementally reduces the offset based on the updated positioning information is further selectively implemented based upon differences between the updated positioning information with respect to previous positioning information (col. 5, lines 17-68; It is

inherent that the input position must be updated in order to figure out weather or not the object is within the boundary).

As per claim 7, which is dependent on claim 5, Leah et al. and Rosenberg teach the method as recited in Claim 5. Leah further teaches wherein the corrective function includes a linear corrective factor (Fig 1, item 8; The examiner infers x to the linear factor).

As per claim 8, Leah et al. teaches a method for use in a graphical user interface, the method comprising determining an offset value between an object's position and an input position, wherein the input position includes updated positioning information from a user input mechanism (fig 1, 2c, col. 6, lines 16-44) ; and

dynamically and gradually reducing the offset value by implementing a corrective function including a linear corrective factor that selectively and incrementally reduces the offset. (col. 5, lines 17-68; It is inherent that the input position must be updated in order to figure out weather or not the object is within the boundary)

However, Leah et al. fails to teach in proportion to a movement of the selected object.

Rosenberg et al. fails to teach in proportion to a movement of the selected object. (column 40, lines 45-column 41, lines 39; Cursor is a selected object.)

It would have been obvious to an artisan at the time of the invention to include Rosenberg's teaching with method of Leah in order to reduce user's undesired experience of any hard, physical stops when the mouse reaches a physical limit.

As per claim 9, which is dependent on claim 5, Leah et al. and Rosenberg teach the method as recited in Claim 5. Leah further teaches the method comprising graphically displaying the object within a graphical user interface (col. 2, lines 13-28).

As per claim 10, it is rejected with the same rationale as claim 1. (see rejection above).

As per claim 11, which is dependent on claim 10, it is of the same scope as claim 2 (see rejection above).

As per claim 12, which is dependent on claim 11, it is of the same scope as claim 3 (see rejection above).

As per claim 13, which is dependent on claim 10, it is of the same scope as claim 4 (see rejection above).

As per claim 14, which is dependent on claim 13, it is of the same scope as claim 5 (see rejection above).

As per claim 15, which is dependent on claim 14, it is of the same scope as claim 7 (see rejection above).

As per claim 16, it is rejected with the same rationale as claim 8. (see rejection above)

As per claim 17, it is rejected with the same rationale as claim 1. (see rejection above)

As per claim 18, which is dependent on claim 17, it is of the same scope as claim 2 (see rejection above).

As per claim 19, which is dependent on claim 18, it is of the same scope as claim 3 (see rejection above).

As per claim 20, which is dependent on claim 17, it is of the same scope as claim 4 (see rejection above).

As per claim 21, which is dependent on claim 20, it is of the same scope as claim 5 (see rejection above).

As per claim 22, which is dependent on claim 21, it is of the same scope as claim 7 (see rejection above).

As per claim 23, it is rejected with the same rationale as claim 8. (see rejection above)

As per claim 24, which is dependent on claim 20, Leah et al. and Rosenberg teach the method as recited in Claim 20. Leah further teaches wherein the input device includes a pointing device (col.6, lines 35-40).

As per claim 25, which is dependent on claim 24, Leah et al. and Rosenberg teach the method as recited in Claim 24. Leah further teaches wherein the pointing device includes a mouse (col.6, lines 35-40).

As per claim 27, which is dependent on claim 17, Leah et al. and Rosenberg teach the method as recited in Claim 17. Leah further teaches wherein the logic is operatively configured within a computer (col. 8, lines 23-39).

Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Leah et al. (US 5,808,601) in view Rosenberg et al. (US 6,894,678) in view of Shieh (US 5,870,083).

As per claim 26, which is dependent on claim 20. Leah and Rosenberg teach the apparatus as recited in Claim 20. However they fail to teach the apparatus wherein the input device includes a touch screen device. Shieh teaches an apparatus wherein the input device includes a touch screen device (col 4, line 26). It would have been obvious to an artisan at the

time of the invention to include Shieh's teaching with the apparatus of Leah and Rosenberg in order to allow the users to operate with their finger or a pointing device with out the inconvenience of installing a mouse.

(10) Response to Argument

1) First Ground of Rejection Claims 1-25 and 27 satisfy the requirements of 35 U.S.C. § 103(a) and therefore are patentable over Leah in view of Rosenberg.

   a. The Leah/Rosenberg technique pertains to unselected objects while appellant's method of claim is directed toward selection of objects.

      Examiner disagrees. Based on the broadest reasonable interpretation consistent with the specification a cursor is a selected GUI object.

   b. Rosenberg fails to teach a selected moving object.

      Examiner disagrees. Because a cursor is a selected GUI object, therefore a moving cursor is a moving object.

a) Leah teaches a technique that pertains to a selected GUI object

Leah teaches a selected GUI object because just like appellant's selected object, the thumb, that correlates with the input of a touch screen style, Leah's selected object, the cursor, correlates with the input of a mouse. The Federal Circuit held that the pending claims must be "given their broadest reasonable interpretation consistent with the specification." The Federal Circuit's *en banc* decision in *Phillips v. AWH Corp.*, 415 F.3d 1303, 75 USPQ2d 1321 (Fed. Cir. 2005).

In the appellant's specification, it teaches a gradual visual correction between a user input position and a selected object. If an offset exists between a user's input and an object's

preferred contact point, then a correction is made. (Summary of appellant's specification) Input positions are provided by input device, which are defined by appellant as "a mouse, a track ball or like, which provides corresponding user input signals to the controlling GUI logic, directly or indirectly." (Background of appellant's specification) Appellant also defines a selected movable object as "knobs, buttons, switch, handles, and the like, which can be graphically modeled and included within the graphical user interface." (Back ground of appellant's specification) Leah teaches a gradual visual correction of an offset between a mouse input and a cursor position. Mouse is included within the appellant's list of input devices, and the cursor is a selectable object because it is modeled after an arrow and is included within a graphical user interface. Therefore Leah's cursor is a selected GUI object.

b) Rosenberg teaches a selected moving object.

Rosenberg teaches a selected moving object because a cursor is a selected moving object. In the appellant's specification, it teaches making corrections for offsets that exist between a user's input and the movement of selected object. (Summary of appellant's specification) In Rosenberg, it also corrects the offsets between mouse input and the movement of a cursor. Since a cursor is modeled after an arrow, it is a selectable object as defined in the background of appellant's specification. Therefore Rosenberg teaches a selected moving object.

2) Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Leach in view of Rosenberg in view of U.S. Patent No. 5,870,083 to Shieh et al.

a) Shieh fails to teach element of reducing the offset value in proportion to a movement of the select object.

Examiner agrees Shieh fail to teach this limitation, but this limitation is taught by Rosenberg see response above.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Peng Ke

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